

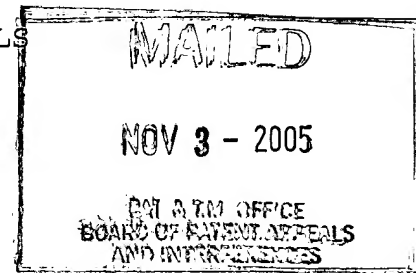
The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD D. CAPPELS

Appeal No. 2005-2565
Application No. 08/900,964



ON BRIEF

Before KRASS, BARRETT, and DIXON, Administrative Patent Judges.
KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 26-45.

The invention pertains to the generation of high-luminance windows on a computer display device, best illustrated by reference to representative independent claim 26, reproduced as follows:

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26. A system for generating a high-luminance window on a computer display device, comprising:

a host computer system for running an application program;

a processor device for automatically generating a window control signal in response to said application program;

a window generator device, for receiving said window control signal, and for generating a window information signal; and

a display control device for receiving a video signal and said window information signal, for processing said video signal in response to said window information signal and for providing a processed video signal to a computer display screen to generate said high-luminance viewing thereon.

The examiner relies on the following references:

Lagoni	5,204,748	Apr. 20, 1993
Masuda et al. (Masuda)	5,978,041	Nov. 02, 1999 (filed Oct. 24, 1995)

Claims 26-28, 34-37, and 41-45 stand rejected under 35 U.S.C. § 102(e) as anticipated by Masuda.

Claims 29-33, and 38-40 stand rejected under 35 U.S.C. § 103 as unpatentable over Masuda in view of Lagoni.

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Reference is made to the briefs and answer for the respective positions of appellant and the examiner.

OPINION

At the outset, we note that there was a previous decision (Appeal No. 2002-1304, April 15, 2003) by this Board regarding the instant claimed subject matter. We reversed a rejection of the claims in that case under 35 U.S.C.

§ 103 involving different combinations of references than those before us now, though one of those references, the U.S. Patent to Lagoni, is also being applied herein.

We also note, as we did in the prior decision, that it is a bit awkward to recite that a computer readable medium has instructions for performing steps in claims 43 and 44. We leave it to appellant and the examiner to make sure that all claims particularly point out and distinctly claim the invention before any patent shall issue.

Turning first to the rejection under 35 U.S.C. § 102(e), a rejection for anticipation under Section 102 requires that the four corners of a single prior art document describe every element of

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the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

The examiner applies Masuda to the instant claims as recited at pages 2-5 of the answer, pointing out how each of the instant claim limitations is taught by Masuda.

Appellant argues, inter alia, that Masuda does not teach the claimed "host computer system for running an application program" and "processor device for automatically generating a window control signal in response to said application program."

We have carefully reviewed the evidence before us, including the contents of the Masuda reference, as well as the arguments of appellant and the examiner, and we conclude therefrom that the examiner has established a prima facie case of anticipation which has not been successfully overcome by appellant.

We are not persuaded by appellant's argument that Masuda does not disclose a host computer system for running an application

program and a processor device for automatically generating a window control signal in response to the application program.

The examiner identified picture signal output means 351 in Masuda's Figure 48 as the claimed host computer system. It is true that Masuda does not use the words, "host computer system," but it is clear from Figure 48 and the attendant description that element 351 acts as a "host computer system," as claimed, since it runs an application program. Contrary to appellant's position, there is an application program disclosed in Masuda and it is run by the "host computer system," or element 351. At lines 59-67 of column 36, it states that "CPU circuit 34 sets the brightness level of the composition portion by software operation...." While this portion of the patent disclosure refers to Figure 41 in particular, it is clear that the elements in Figure 41 are similar to the elements of Figure 48 in the arrangement of the CPU, ROM, picture composition, etc. It is also clear from the cited portion of column 36 that the ROM stores a program as well as picture data.

Thus, Masuda's element 351 acts as a "host computer system," as claimed, since it houses a processor and an application program and the CPU uses the software, or application program, to set the brightness level of the composition portion.

Also contrary to appellant's position, it appears to us that the processor, 3104 in Figure 48 of Masuda, does, indeed, automatically generate a window control signal "in response to said application program" because the processor uses the program stored in ROM 3405 to generate the control signal shown in Figure 48 as being input to the display means 350. If the processor operates in accordance with an application program, then it most certainly can be said to operate "in response to said application program," as claimed.

Appellant also takes issue with the examiner's application of Masuda to show a teaching of the rest of the instant claimed elements, but we agree with the examiner. Attention is directed to Figures 48 and 52 of Masuda. Though these figures depict different embodiments, they are connected in the way Figure 48 shows how a control signal is generated and Figure 52 depicts the image display means.

The examiner identifies timing generator 355 in Figure 52 as the claimed "window generator device" and this seems reasonable in that it contributes to establishing window B in display 3101. Then, according to the examiner, the output of timing generator

355, the "Key" going into switch 3115, is the claimed "window information signal." Appellant argues, at page 7 of the reply brief, that the Key controls the change-over switch and is not received by a display control circuit that receives both a video signal and the window information signal and processes the video signal in response to the window information signal. We disagree.

As explained by the examiner, quite reasonably in our view, the claimed "display control device" is read as Masuda's elements 3110-3116. If an invisible box is drawn around these elements, and the box labeled "display control device," it can be seen that the Key signal is, indeed, received by the display control circuit, as is a video signal at 353 received into the display control device at element 3110. Thus, if the Key signal is the claimed "window information signal," it is clearly seen that it is reasonable to find that in Figure 52, Masuda discloses the display control device receiving a video signal and a window information signal, then processing the video signal in response to the window information signal (note that amplitude control 3110 receives the video signal which is processed in accordance with the output of combiner 3112 which is dependent on the position of the switch operated by the Key signal, or window information signal) and for providing a processed video signal to a computer display screen (note that the

processed video signal from amplitude control 3110 is provided, through DC control 3111, to a computer display screen) to generate said high luminance viewing window thereon (note that this video2 signal, i.e., the processed video signal, is used to provide the high-luminance viewing window B). Accordingly, it is our view that the examiner's application of Masuda to the instant claimed subject matter is accurate and creates a prima facie case of anticipation.

Since appellant has not offered anything which convinces us of an error in the examiner's rationale, we will sustain the rejection of claims 26-28, 34-37, and 41-45 under 35 U.S.C. § 102(e).

Turning to the rejection under 35 U.S.C. § 103, the examiner recognized that Masuda does not teach the limiter device of claims 29 and 38. Thus, the examiner turned to Lagoni, specifically column 1, lines 26-49, for a showing of employing a beam current limiting (BCL) arrangement for controlling contrast and/or brightness characteristics of a video signal. Lagoni also taught that beam current limiting is also referred to in the art as "automatic beam limiting (ABL)" (column 1, lines 30-32) and that the purpose of beam limiting "is to ensure that excessive beam currents, which may cause so-called 'white spot blooming' and which may also cause damage to the picture tube, are not produced" (column 1, lines 32-36).

Thus, the examiner combined these teachings to arrive at the instant claimed subject matter, to provide Lagoni's ABL in the CRT display of Masuda because this would prevent damage to the picture tube due to an excessive beam current, thereby prolonging the life of the CRT display, as recognized by both Masuda (column 43, lines 5-10) and Lagoni (column 1, lines 26-49, and column 2, lines 8-14).

Appellant argues that there is insufficient motivation to make the combination. We disagree.

In our view, there is a compelling suggestion provided by the references that would have urged artisans to combine the teachings of the references. As the examiner pointed out, column 43, lines 5-10, of Masuda teaches that in a cathode ray tube, "when the mean brightness is extremely increased causing an extremely high beam current to flow, it will affect the life time of the cathode ray tube." Then, in the same field, dealing with cathode ray tubes, Lagoni also is concerned with limited life times of cathode ray tubes, and clearly suggests that the use of automatic beam limiting (ABL) devices should be used in order to prolong the life time of such tubes. The artisan viewing these two teachings together would clearly have made the connection and employed ABL devices, as taught by Lagoni, to the cathode ray tube of Masuda, in order to alleviate the problem mentioned by Masuda.

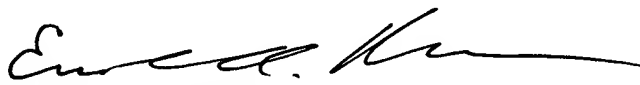
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For these reasons, we view the combination of references as valid, within the meaning of 35 U.S.C. § 103, and we will sustain the rejection of claims 29-33, and 38-40 under 35 U.S.C. § 103.

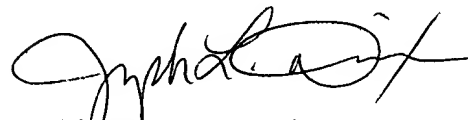
Since we have sustained the rejections of the claims under both 35 U.S.C. § 102(e) and 103, the examiner's decision is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED


ERROL A. KRASS)
Administrative Patent Judge)


LEE E. BARRETT) BOARD OF PATENT
Administrative Patent Judge) APPEALS
AND
INTERFERENCES)


JOSEPH L. DIXON)
Administrative Patent Judge)

EAK/dal

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NANCY R. SIMON
10052 PASADENA AVENUE
SUITE B
CUPPERTINO, CA 95014